

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

---

COVENANT CARE CALIFORNIA, LLC, and  
COVENANT CARE LA JOLLA, LLC

Petitioners,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

---

**PETITIONER’S UNOPPOSED MOTION TO DISMISS THE PETITION  
FOR REVIEW IN NO. 16-60219**

Petitioners Covenant Care California, LLC and Covenant Care La Jolla, LLC (“Petitioners”), hereby submit this motion to dismiss the petition for review in No. 16-60219.

Petitioners filed the instant petition on April 12, 2016, seeking review of a decision and order by the National Labor Relations Board (“NLRB”), entered on December 22, 2015 and reported at 363 NLRB No. 80. On May 3, 2016, Respondent NLRB filed a motion to dismiss for improper venue and requested that the Court hold the case in abeyance pending the Court’s ruling on the Board’s motion to dismiss. On May 4, 2016, the Court granted the Respondent’s request to stay pending the outcome of the motion to dismiss.

In light of the Respondent's motion, the Petitioners respectfully move that the Court dismiss the petition in No. 16-60219.

Counsel for the Petitioners have consulted with counsel for the NLRB, who have indicated that the NLRB does not oppose this motion.

Respectfully submitted,

/s/ Allyson N. Ho

Allyson N. Ho

MORGAN, LEWIS & BOCKIUS LLP

1717 Main Street, Suite 3200

Dallas, TX 75201

T. 214.466.4000

F. 214.466.4001

allyson.ho@morganlewis.com

*Counsel for Petitioners Covenant Care  
California, LLC and Covenant Care La  
Jolla, LLC*

Date: May 16, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that on May 16, 2016, a true and correct copy of the foregoing Unopposed Motion to Dismiss the Petition for Review in No. 16-60219, was served by electronic mail and overnight mail on the following:

Linda J. Dreeben, Esq., Deputy Associate General  
Counsel, Appellate and Supreme Court Litigation Branch

Richard F. Griffin, Jr., General Counsel  
Jennifer Abruzzo, Deputy General Counsel

National Labor Relations Board  
1015 Half Street, SE  
Washington, D.C. 20570-0001

Email: linda.dreeben@nlrb.gov  
richard.griffin@nlrb.gov  
jennifer.abruzzo@nlrb.gov

Olivia Garcia, Regional Director  
Robert McKay, Esq., Counsel for the General Counsel  
National Labor Relations Board, Region 21  
888 South Figueroa Street  
9th Floor  
Los Angeles, CA 90017  
Email: olivia.garcia@nlrb.gov  
robert.mckay@nlrb.gov

Lee R. Feldman, Esq.  
Feldman Browne Olivares, APC  
12400 Wilshire Blvd.  
Ste. 1100  
Los Angeles, CA 90025  
Email: lee@leefeldmanlaw.com

/s/ Allyson N. Ho

Allyson N. Ho

*Counsel for Petitioners Covenant Care  
California, LLC and Covenant Care La  
Jolla, LLC*